

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Ernesto Herrera

Docket No. 5:10-CR-207-2BO

Petition for Action on Supervised Release

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ernesto Herrera, who, upon an earlier plea of guilty to Count 1- Conspiracy to Commit Bank and Wire Fraud, in violation of 18 U.S.C. § 1349 and Count 6- Aggravated Identity Theft and Aiding and Abetting, in violation of 18 U.S.C. §§ 1028A and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 19, 2012, to the custody of the Bureau of Prisons for a term of 39 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for three years on Count 1 and one year on Count 6, to run concurrently to Count 1, under the standard conditions adopted by the court and the following additional conditions:

1. Upon completion of the term of imprisonment, the defendant is to be surrendered to a duly-authorized immigration official for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. § 1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

Ernesto Herrera was released from custody on February 27, 2014, at which time the term of supervised release commenced in the Southern District of Florida. On April 30, 2014, based on the defendant's financial situation, the court modified the conditions of supervised release and ordered that the defendant pay \$25 per month

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 13, 2016, we received a request from the Southern District of Florida advising that they had completed a financial investigation to determine the amount of restitution the defendant could pay monthly. Based on that investigation, it was determined that Herrera could pay \$100 per month. Based on this information, we would recommend that his monthly restitution payment be changed to \$100 per month. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall pay restitution at the rate of \$100 per month, until such time as the Court may alter that payment schedule in the interest of justice. The United States Probation Office and United States Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Keith W. Lawrence

Keith W. Lawrence

Senior U.S. Probation Officer

310 Dick Street

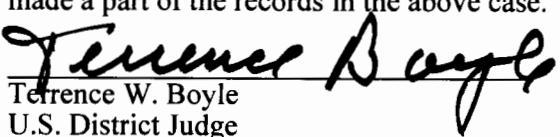
Fayetteville, NC 28301-5730

Phone: (910) 483-8613

Executed On: May 17, 2016

ORDER OF COURT

Considered and ordered this 17 day of May, 2016, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge